

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Oatman 2016 Nuisance Wild Burro Removal

DOI-BLM-AZ-C010-2016-0002-CX

A. Background

Kingman Field Office has received many complaints from private land owners regarding approximately 10-15 wild burros that are creating a nuisance on private land in Oatman, Arizona. The wild burros are creating public safety concerns in the town. Several of the young male burros are demonstrating aggressive behaviors, damaging private property and causing injuries to tourists. These burros also utilize public land.

BLM Office: Kingman Field Office

Proposed Action Title/Type: Oatman, Nuisance Burro Removal

Location of Proposed Action: Oatman, Arizona T. 19 North, R. 20 West, Sec. 14

Description of proposed action: The BLM proposes to remove 10-15 nuisance burros from the town of Oatman, Arizona located on private land inside the Black Mountain Herd Management Area (HMA), Mohave County, Arizona. See Figure 1 on Page 4.

The removal would be conducted between October 2015 to May 2016. Bait trap sites would be located on private land in areas where burros have created nuisance situations. Traps would be located in previously disturbed areas. Burros would be enticed into a corral constructed with a one way gate; the animals would enter and not be able to exit the corral. Since wild burros generally have not acquired a taste for alfalfa hay, it may take time for them to become accustomed to the hay and panels before initiation of a bait trapping operation. Once burros begin to utilize the hay offered, a temporary corral is constructed around the bait site. The bait traps will be temporary and the area would be reclaimed after completion by removing the corral panels, and raking up hay and manure. Trapping operations will begin as soon as possible in October 2015. Individuals and agencies who expressed interest in the management of burros will be notified in writing about this proposal.

The following would also apply:

1. The capture crew shall immediately bring to the attention of the Kingman Field Manager (or designated representative) any cultural resources (prehistoric/historic sites or objects) and/or paleontological resources (fossils) encountered during permitted operations and maintain the integrity of such resources pending subsequent investigation. All permitted operations within 30 meters (100 feet) of the cultural resources shall cease until written authorization to proceed is issued from the Authorized BLM Officer. Actions which result in impacts to archaeological or historical resources shall be subject to the provisions of the Archaeological Resources Protection Act of 1979 as amended (ARPA) and the Federal Land Policy and Management Act of 1976. These statutes protect cultural resources for the benefit of all Americans. No person may excavate, remove, damage, or otherwise alter or deface any historic or prehistoric site, artifact or object of antiquity located on public lands without authorization. Damaging cultural resources more than 100 years of age is a punishable act under ARPA. Criminal and/or civil

penalties may result if damage to archaeological resources is documented, as provided under ARPA and its implementing regulations at 43 CFR 7.

2. Capture crew shall receive a copy of the tortoise handling guidelines (attached) and distribute to all workers the day of the removal(s) and advise on handling procedures.
3. In the event hazardous materials are encountered during any activities associated with this, all activity would cease.
4. A BLM Law Enforcement Ranger would be contacted immediately.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the decision(s) via the following Sections and text:

- Manage for a viable population of wild and free-roaming horses and burros to achieve, maintain a thriving, natural ecological balance in herd management areas and maintain and enhance the habitat in a desirable condition for continued multiple use (Page 55).
- Wild horse and burro management on public lands requires maintenance of a herd inventory, habitat monitoring and the removal and placement of excess animals to the public for adoption (Page 86).
- All wild burros that are removed are made available for adoption through the Wild Horse and Burro Adoption Program
- Removal of nuisance burros from private land is required when request in writing from the landowner.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, D. Rangeland Management, (4) Removal of wild horses or burros from private lands at the request of the landowner.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed with respect to the extraordinary circumstances described in 516 DM 2 (Attachment 1).

I considered the plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved LUP, and none of the extraordinary circumstances described in 516 DM 2 are of concern and no further environmental analysis is required.

D: Signature

/s/ Ruth Zimmerman

10/21/2015

Authorizing Official: _____

Date: _____

Ruth Zimmerman
Acting Field Manager, Kingman Field Office

Contact Person

For additional information concerning this CX review, contact Chad Benson, Wild Horse and Burro Specialist, Kingman Field Office, 2755 Mission Blvd, Kingman, AZ 86401, Telephone 928-718-3750.

Note: A separate decision document must be prepared for the action covered by the CX.

Attachment 1 – Screening for Extraordinary Circumstances

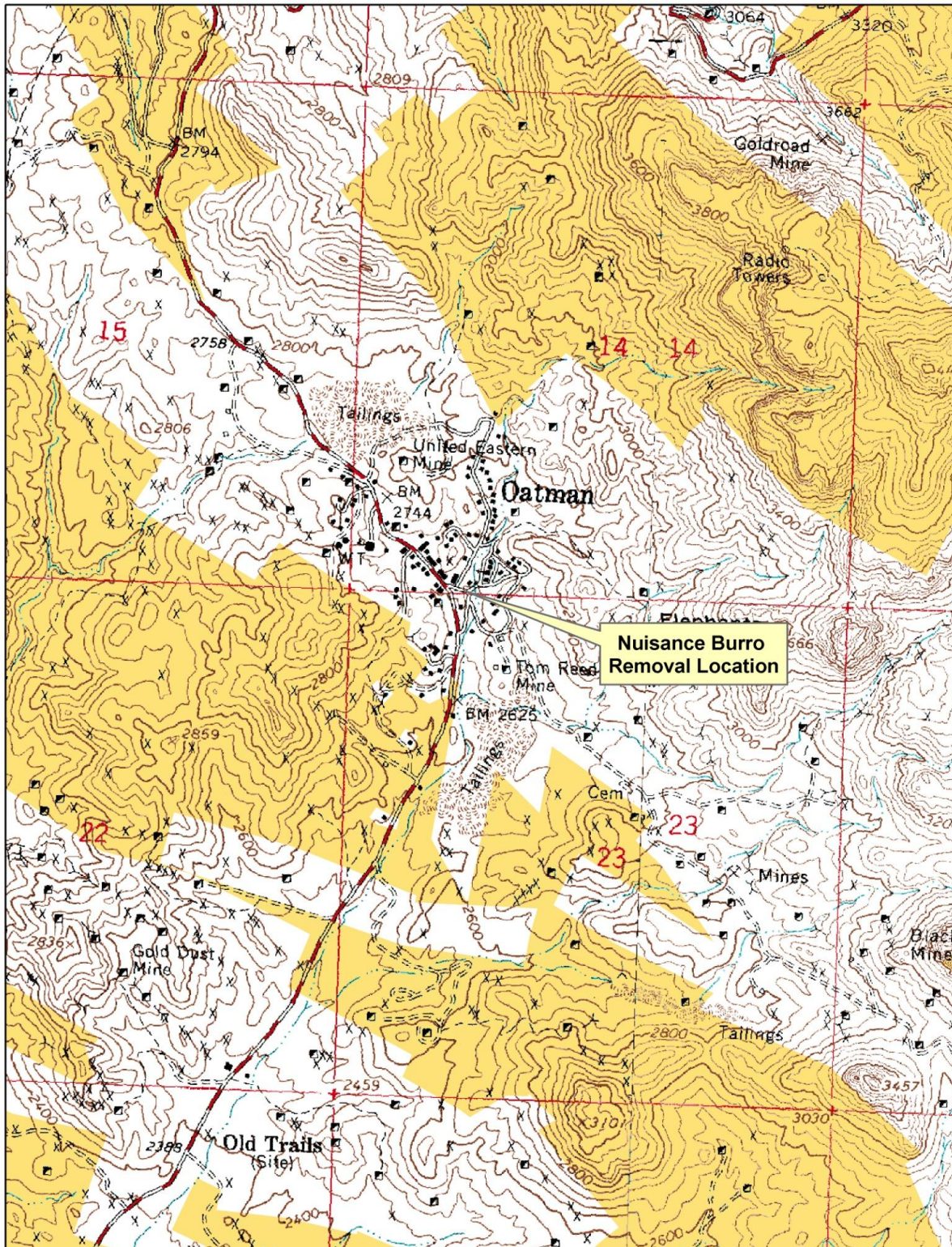
Each of the following questions must be answered with “No,” by all resource specialists participating on the interdisciplinary team before this CX may be approved (516DM).

Resource Concerns	Yes	No
1. Will this project have significant adverse effects on public health or safety?		X
2. Will this project adversely affect such unique geographic characteristics as: (a) historic or cultural resources; (b) park, recreation or refuge lands, wilderness areas, wild or scenic rivers; (c) sole or principal drinking water aquifers; (d) prime farmlands, wetlands, flood plains, or (e) ecologically significant or critical areas, including those listed on the Department of the Interior’s National Register of Natural Landmarks?		(a) X (b) X (c) X (d) X (e) X
3. Will this project have highly controversial environmental effects?		X
4. Will this project have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		X
5. Will this project establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		X
6. Will this project be related to other actions with individually insignificant but cumulatively significant environmental effects?		X
7. Will this project have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?		X
8. Will this project have adverse effects on species listed or proposed for listing on the Threatened or Endangered Species List, or have adverse effects on designated Critical Habitat for these species?		X
9. Will this project require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?		X
10. Will this project threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?		X
11. Will this project limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites? (Executive Order 13007— Sacred Sites)		X
12. Will this project contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?		X

Reviewers and Comments			
Resource	Specialist Name	Comment	Surname
Air/Hydrology/Soils			
Archaeology/Cultural	Jennifer Fredrick McGuire	Trap sites will be placed on private property in areas approved by the land owner. A cultural clearance report was completed on August 15, 2015 which documents that no cultural sites or Artifacts were found within the bait trap areas.	/s/ JF McGuire
Biologist Fisheries and/or Wildlife	Rebecca Peck 8/10/2015	No affect is expected to occur for T&E species or critical habitat as no known species or critical habitat is known in the project area. Tortoise handling procedures would be followed (Appendix A)	/s/ Becky Peck
Public Safety/Env. Justice	Victoria Anne	No. Public safety is expected to improve when burros are removed.	/s/ Victoria Anne
Grazing/RangeMgmt			
Lands/Realty			
Minerals/Oil/Gas			
Recreation/Visual			
Water/Sub & surface			
Weeds/Invasive/non-Native			
Wild Horse and Burro	Chad Benson	Individuals and agencies would be notified prior to any initial bait trapping of the burros.	/s/ Chad Benson

Burro removal will only be private land sections (colored white sections within red boxed area) of map above.

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Compliance and assignment of responsibility: Chad Benson /s/ Chad Benson 10/21/2015

Monitoring and assignment of responsibility: Chad Benson /s/ Chad Benson 10/21/2015

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: /s/ Chad Benson **Date:** 10/21/2015
Chad Benson, Project Lead
Kingman/Lake Havasu, Wild Horse and Burro Specialist

Reviewed by: /s/ Victoria Anne **Date:** 10/21/2015
Victoria Anne, NEPA Environmental Coordinator
Colorado River District

Reviewed by: /s/ Ruth Zimmerman **Date:** 10/21/2015
Ruth Zimmerman, Acting Field Manager
Kingman Field Office



Appendix A

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. Do **not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.



DECISION MEMORANDUM

Oatman 2016 Burro Removal **(DOI-BLM-AZ-C010-2016-0002-CX)**

U.S. Department of the Interior
Bureau of Land Management
Kingman Field Office
2755 Mission Blvd.
Kingman, AZ 86401

Approval and Decision

I review the information provided in the attached Categorical Exclusion documentation and have listened to Kingman Field Office staff recommendations. I have determined that the project is in conformance with the Kingman Field Office Resource Management Plan (approved March 1995) and is categorically excluded from further environmental analysis. It is my decision to approve this action as proposed within the Categorical Exclusion Record. Removal of burros is expected to begin in Oatman as early as late October 2015 and continue until the project is complete. This decision is issued in accordance with CFR 4770.3(c).

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the attached Form 1842-1. If an appeal is made, your notice of appeal must be filed at the BLM Kingman Field Office, 2755 Mission Blvd., AZ 86401, within 30 days from receipt of this decision. The appellant has the burden of showing how they are harmed and how the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993)) (request) for a stay (suspension) of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

/s/ **Ruth Zimmerman**

10/21/2015

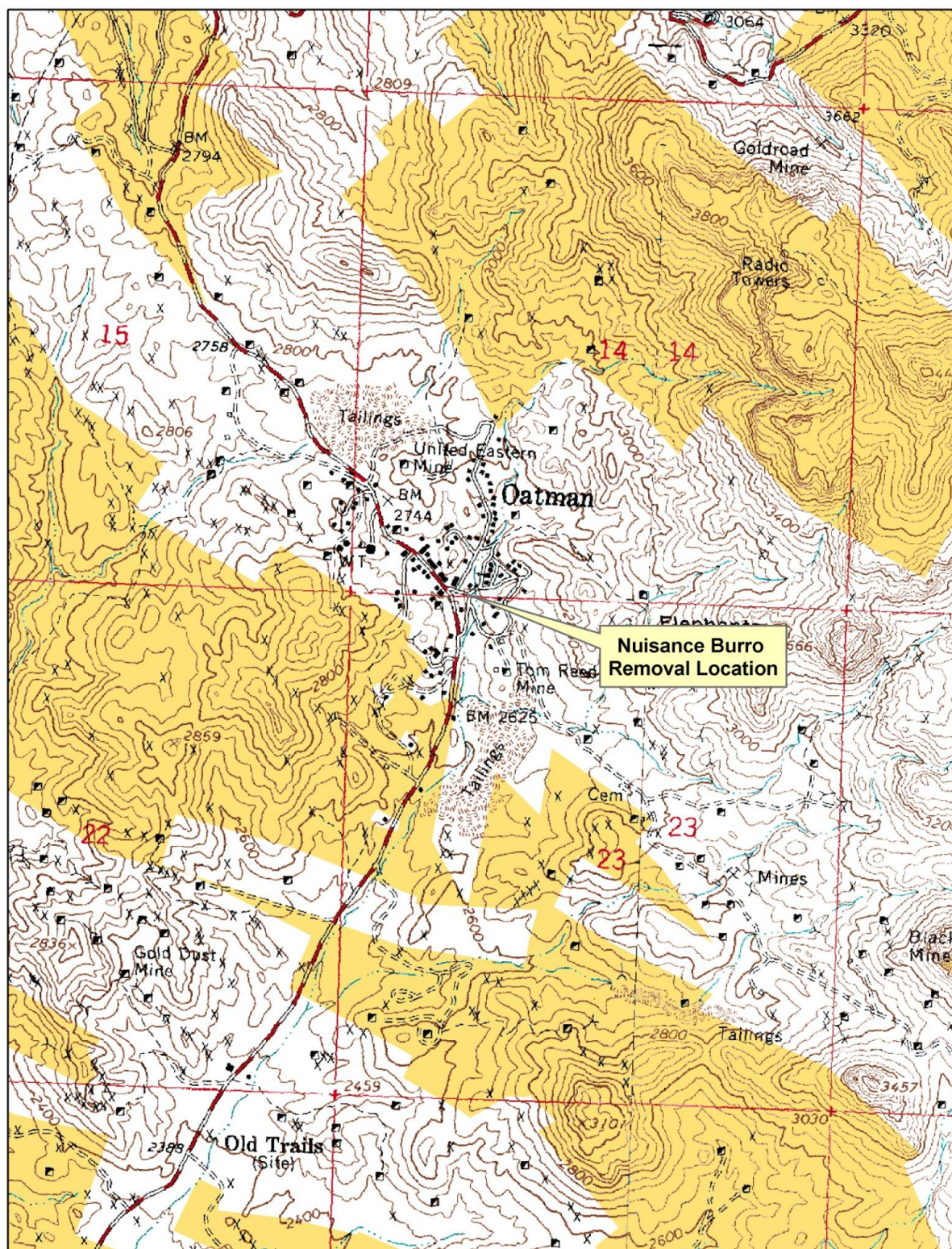
Ruth Zimmerman
Acting Field Manager, Kingman Field Office

Date

Attachment: Form 1842-1

Figure 1

Burro removal will only be private land sections (colored white sections within red boxed area) of map above.





Appendix A

United States Department of the Interior

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Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
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GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise to move off the road.
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 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND
APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you
 - AND
 2. You believe it is incorrect
-

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

**1-NOTICE OF
APPEAL.....**

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

2. WHERE TO FILE

NOTICE OF APPEAL..... BUREAU OF LAND MANAGEMENT, KINGMAN FIELD OFFICE, 2755 MISSION BLVD., KINGMAN, AZ 86401

WITH COPY TO..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

3.STATEMENT OF REASONS-

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO..... FIELD SOLICITOR, U.S. DEPARTMENT OF THE INTERIOR, SANDRA DAY O'CONNOR U.S. COURTHOUSE,
SOLICITOR..... SUITE 404, 401 WEST WASHINGTON STREET, SPC 44, PHOENIX, AZ 85003-2151

4.ADVERSE PARTIES.....

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).

5.PROOF OF SERVICE.....

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

6.REQUEST FOR STAY.....

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.
(Continued on the following page)

43 CFR SUBPART 1821-GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)